

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

---

PHILLIP BYRD,

Plaintiff,  
v.

CHRIS BUESGEN and GERALD VAN ERT,

ORDER

23-cv-64-jdp

Defendants.

---

Plaintiff Phillip Byrd's motion to reinstate the claims that I dismissed on exhaustion grounds, Dkt. 122, is DENIED. Byrd attaches grievances from 2025, but prisoners must exhaust their administrative remedies before filing a lawsuit. 42 U.S.C. § 1997e(a). Byrd also argues that exhaustion is not required for claims for monetary damages, but that is incorrect. *Booth v. Churner*, 532 U.S. 731, 735 (2001) (prisoner must exhaust claim for monetary damages, even if the administrative process could not award such relief).

Defendants have submitted in camera disciplinary records related to defendant Van Ert's termination. My review of those documents shows that they are not relevant to Byrd's claims against Van Ert, so I will not compel defendants to produce them to Byrd. Should Byrd's claims against Van Ert survive summary judgment, I will consider whether they would be relevant to Byrd at trial for purposes of credibility.

Byrd's deadline to submit his summary judgment opposition materials remains May 16, 2025.

Counsel for defendants is directed to ensure that SCI staff print a copy of this order for Byrd's immediate review.

Entered May 14, 2025.

BY THE COURT:

/s/

---

JAMES D. PETERSON  
District Judge